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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500

DENVER, COLORADO 80202-2466

AG : 4.1002

Ref: 8HWM-FF

Mr. Frazer Lockhart  
U.S. Department of Energy  
Rocky Flats Office  
P.O. Box 928  
Golden, CO 80402-0928

Re: Third Party  
Construction in Operable  
Unit 3

Dear Mr. Lockhart:

As you are aware, EPA has continuously expressed concern regarding third party construction activities on lands in close proximity to the Rocky Flats Plant. In order to evaluate what, if any, regulatory controls are required on such activities, areas of concern within Operable Unit 3 (OU 3) need to be defined. On June 26, 1991, EPA formally requested that DOE make a preliminary delineation of the boundaries of OU 3 and areas of concern for construction activities. To date, DOE has not responded. Pursuant to Parts 3 and 32 of the Interagency Agreement (IAG), EPA is hereby requiring DOE to make this delineation and to inventory all third party construction projects within OU 3 as part of DOE's IAG obligations.

As discussed in our June 26, 1991, letter, unauthorized third party activities within OU 3 have the potential to complicate future CERCLA response actions, enlarge the area of contamination, increase DOE's CERCLA response costs, and expand the liability of DOE's contractors. Such activities may also pose real risks to workers and nearby residents.

In the year since we sent you our request, our interest in this issue has increased. We understand that there are a number of construction projects currently underway in and around the OU 3 study area. Since DOE is responsible for the investigation and possible remediation of OU 3, DOE is also responsible for determining which third party projects, if any, may jeopardize DOE's future response actions. Therefore, DOE must, as a first step, make a preliminary determination, in consultation with EPA and DOE, of the areas of concern for construction activities within OU 3. DOE must then identify all third party projects within these bounds. We require that DOE complete these tasks and submit this information to EPA and DOE not later than September 30, 1992.

We encourage you to meet with EPA to further discuss our expectations and DOE's responsibilities. We propose that a meeting be held between EPA, DOE, and OH on August 27, 1992, at 9:00 am in the EPA Conference Center. Our point of contact on this matter is Bonnie Lavelle, (303) 294-1067.

Sincerely,

*W.G. Fraser Jr.*

Martin Hestmark, Manager  
Rocky Flats Project

cc: Joe Schieffelin, OH  
Robert Birk, DOE  
Michael Guillaume, EG&G  
William Christopher, Westminster